

418 Rec'd PCT/PTO 702 AUG 1999

PATENT

Docket No. 402162000200

Client Reference PA28241-031

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on July 27, 1999.

*Denise Lade*

Denise Lade

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Hermann Bujard et al.

Serial No.: 09/269,874

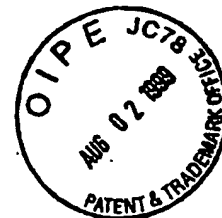
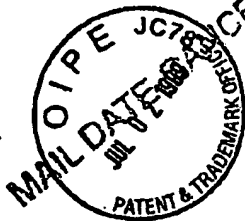
International Application No.: PCT/EP97/05441

International Filing Date: October 2, 1997

For: RECOMBINANT PROCESS FOR  
PREPARING A COMPLETE MALARIA  
ANTIGEN, gp190/MSP1

Examiner: To Be Assigned

Group Art Unit: To Be Assigned



**SUPPLEMENTAL TRANSMITTAL LETTER FOR NOTIFICATION OF MISSING PARTS**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In complete response to the Notification of Missing Parts Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office dated May 7, 1999, attached please find **COPIES** of the following originally submitted July 23, 1999:

- ☐ A combined Declaration and Power of Attorney signed by the inventor and the surcharge of \$65.00 as set forth in 37 C.F.R. § 1.16(e).
- ☒ A declaration signed by the inventors.  
The surcharge of \$130.00 was paid with the first submission of items concerning a filing under 35 U.S.C. 371 April 1, 1999.
- ☐ A Power of Attorney and Prosecution by Assignee Under 37 C.F.R. § 3.71.
- ☒ Declarations of Small Entity Status.
- ☒ A Petition for Extension of Time.

pa-397564

- ☐ A verified English translation of the application, and the \$130.00 fee as set forth in 37 C.F.R. § 1.17(k).
- ☐ A preliminary amendment.
- ☒ Other: check in the amount \$190.00; copy of Notification of Missing Requirements; return receipt postcard; return receipt postcard dated July 27, 1999.


This supplemental transmittal letter for notification of missing parts is being submitted to correct the serial number under which the previously submitted transmittal letter for notification of missing parts was filed. The correct U.S. serial number is 08/269,874.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this transmittal is enclosed for that purpose.

Respectfully submitted,

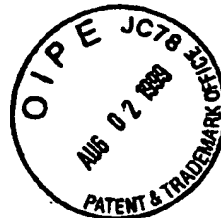
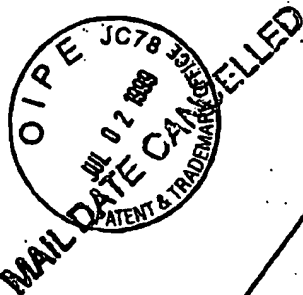
Dated: July 27, 1999

By:

  
Gladys H. Mohroy  
Registration No. 32,430

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5711  
Facsimile: (650) 494-0792

COPY



ATTORNEY DOCKET# 402162000200

DATE: July 23, 1999

SERIAL NO.: 09/269,074

INTERNATIONAL APPLICATION NO. PCT/EP97/05441

INTERNATIONAL FILING DATE: October 2, 1997

INVENTORS: Hermann Bujard et al.

TITLE: RECOMBINANT PROCESS FOR PREPARING A COMPLETE  
MALARIA ANTIGEN, gp190/MSP1

Papers enclosed:

1. Transmittal Letter for Notification of Missing Parts of Application (2 pgs)
2. Declaration for Patent Application (2 pgs)
3. Verified Statements Claiming Small Entity Status (3)
4. Copy of Notification of Missing Parts
5. Petition for Extension of Time (2 pgs)
6. Check in the amount of \$190.00
7. Return receipt postcard

Certificate of Mailing - 1st Class Mail Atty/Secy: GHM/dml  
RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

pa-396272

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9/269874

UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark  
 Address: ASSISTANT COMMISSIONER FOR PATENTS  
 Box PCT  
 Washington, D.C. 20231

U.S. APPLICATION NO. 09/269,874	INVENTOR DUJARD	ATTY. DCKET NO. 402162000200
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PAULA A BORDEN  
 MORRISON & FOERSTER  
 755 PAGE MILL ROAD  
 PALO ALTO CA 94304-1018

5611

INTERNATIONAL APPLICATION NO. PCT/EP97/05441
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LA. FILING DATE	PRIORITY DATE
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DATE MAILED: 10/02/97 10/02/96  
 05/07/99

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of Inventor(s) for DO/EO/US

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report

☐ Translation of Annexes to the International Preliminary

☒ Preliminary amendment(s) filed 01 April 1999

☐ Information Disclosure Statement(s) filed

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☒ PCT/DO/EO/917

☐ PTO-875

☐ Notice of Defective Translation

*Paula A. Borden*

RECEIVED

MAY 10 1999

MORRISON & FOERSTER

ish and its Annexes, if any.  
 examination Report into English.

nd \_\_\_\_\_

d \_\_\_\_\_

Miss Parts Due - 10  
 DOCKETED ART  
 6/7/99  
 11/7/99 - F



19/269874



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

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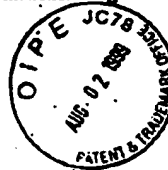
U.S. APPLICATION NO. 09/269,874	FIRST NAMED APPLICANT BUJARD	ATTY. DOCKET NO. H 402162000200
5611		INTERNATIONAL APPLICATION NO. PCT/EP97/05441
PAULA A BORDEN MORRISON & FOERSTER 755 PAGE MILL ROAD PALO ALTO CA 94304-1018		EA. FILING DATE 10/02/97
		PRIORITY DATE 10/02/96
DATE MAILED 05/07/99		

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.



FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

*Samuel H. Smith*  
Telephone: 703 305-3686

5603445

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

MORRISON & FOERSTER LLP

CLIENT / MATTER # 40210-20002.00  
ATTORNEY # / INITIALS 7034 (GMMI)  
RQ# 292589  
DESCRIPTION

2 MONTH EXT OF TIME \$190

COPY

HOLD AT AN ANGLE TO VERIFY BACKGROUND WORDS "SAFE" ON FRONT AND A WATERMARK ON BACK

MORRISON & FOERSTER LLP

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755 PAGE MILL ROAD  
PALO ALTO, CA 94304-1018  
415-813-5600

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COMMUNITY DEVELOPMENT BANK

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PAY

One hundred ninety & 00/100

5603445

DATE 11/23/99

\$ 190.00

TO THE ORDER OF ASSISTANT COMMISSIONER FOR PATENTS

NOT TO EXCEED \$6500.00

By *Emily Morris*  
AUTHORIZED SIGNATURE  
NOT NEGOTIABLE  
AUTHORIZED PERSON

⑈ 5603445 ⑈ ⑈ 12111822⑈ 7313601356⑈

THIS DOCUMENT LICENSED UNDER PROCEEDS PATENT 5,344,192

BUSINESS PRODUCTS MANAGERMENTS BY KENILWORTH ASSOCIATES (510) 653-2000

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